

**[SECTION 1. SHORT TITLE.]**

[This Act may be cited as the "District of Columbia Court Employees Whistleblower Protection Act of 1999".]

**[SEC. 2. WHISTLEBLOWER PROTECTION FOR PERSONNEL OF THE COURTS OF THE DISTRICT OF COLUMBIA.]**

[(a) IN GENERAL.—Subchapter II of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following new section:

**["§11-1733. Whistleblower protection for court personnel]**

["Notwithstanding any other provision of law, section 1503 of the District of Columbia Comprehensive Merit Personnel Act of 1978 (DC Code, sec. 1-616.3) shall apply to court personnel, except that court personnel may institute a civil action pursuant to subsection (c) of such section in the Superior Court of the District of Columbia or the United States District Court for the District of Columbia.".]

[(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

["11-1733. Whistleblower protection for court personnel.".]

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia Court Employees Act of 1999".

**SEC. 2. COMMUNICATIONS WITH CONGRESS BY DISTRICT OF COLUMBIA COURTS PERSONNEL.**

(a) IN GENERAL.—Subchapter II of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following new section:

**"§11-1733. Court personnel communications with Congress"**

"(a) In this section, the term—

"(1) 'Congress' means the United States Congress and includes any member, employee, or agent of Congress; and

"(2) 'District of Columbia court' means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

"(b) Nonjudicial employees of the District of Columbia court shall be treated as employees of the Federal Government solely for purposes of section 7211 of title 5, United States Code (relating to employees' right to petition Congress).

"(c)(1) An employee or former employee may file a civil action in the United States District Court for the District of Columbia for relief of a violation of subsection (b), if—

"(A) the employee or former employee reasonably believes that such a violation occurred;

"(B) the employee or former employee files a grievance relating to such violation with the Joint Committee on Judicial Administration of the District of Columbia not later than 270 days after the violation occurred;

"(C) the Joint Committee—

"(i) makes a final decision; or

"(ii) makes no decision within 60 days after the filing of the grievance; and

"(D) the employee or former employee files such civil action not later than 1 year after the date of the violation.

"(2) Relief in an action filed under paragraph (1) may include—

"(A) an injunction to restrain continued violation of this section;

"(B) rescission of a retaliatory action;

"(C) the reinstatement of the employee or former employee to the same position held before the retaliatory action, or to an equivalent position;

"(D) the reinstatement of the employee's or former employee's full fringe benefits and seniority rights;

"(E) compensation for lost wages and benefits; and

"(F) the payment by the District of Columbia court of the employee's or former employee's reasonable costs and attorney fees, if the employee or former employee is the prevailing party.

"(d) In any civil action filed under subsection (c), the District of Columbia court may file a motion for an award of reasonable attorney fees and court costs. The presiding judge may order such fees and costs to be awarded to the District of Columbia court, if the judge determines that an action brought by an employee or former employee under this section was not well grounded in fact and not warranted by law.

"(e) The filing of a civil action in accordance with this section shall constitute the employee's or former employee's exclusive remedy under the laws of the United States or the District of Columbia for violation of this section.

"(f) The District of Columbia court shall conspicuously display notices of an employee's protections and obligations under this section, and shall use other appropriate means to keep all employees informed of such protections and obligations."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

"11-1733. Court personnel communications with Congress."

**SEC. 3. EFFECTIVE DATE.**

The amendments made by section 2 shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

Amend the title so as to read: "An Act to amend chapter 17 of title 11, District of Columbia Code, to provide for personnel protection for District of Columbia court employees."

**AMENDMENT NO. 2290**

(Purpose: To make certain technical and conforming amendments, and for other purposes)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMPSON, proposes an amendment numbered 2290.

The amendment is as follows:

On page 5, strike lines 5 through 12.

On page 5, line 13, strike "(e)" and insert

"(d)".

On page 5, line 18, strike "(f)" and insert

"(e)".

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2290) was agreed to.

The committee amendment, as amended, was agreed to.

The bill, as amended, was read the third time, and passed.

The title was amended so as so read:

An Act to amend chapter 17 of title 11, District of Columbia Code, to provide for personnel protection for District of Columbia court employees.

**MEASURE PLACED ON CALENDAR—S. 1593**

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1593 be discharged from the Rules Committee and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR TUESDAY, OCTOBER 12, 1999**

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. Tuesday, October 12. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume executive session to resume consideration of the Comprehensive Nuclear Test-Ban Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will resume consideration of the Comprehensive Nuclear Test Ban Treaty at 9 a.m. on Tuesday, October 12. On Tuesday, there will be approximately 6 hours of debate remaining on the treaty. Therefore, that debate will consume the day until 4:30 p.m., at which time the Senate will resume consideration of the conference report to accompany the Agriculture appropriations bill. Cloture was filed on the conference report on Thursday with a vote scheduled to occur at 5:30 on Tuesday. It is expected that the vote on the CTBT will occur on Wednesday, at some point following the adoption of the Agriculture Appropriations conference report. Therefore, the next rollcall vote will occur at 5:30 p.m. on Tuesday, October 12.

Mr. President, in addition, as a reminder, the two amendments in order to the CTBT must be filed at the desk by 9:45 a.m. on Tuesday, October 12.

**ORDER FOR ADJOURNMENT**

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate turn to the remarks of the distinguished Senator from West Virginia and thereafter stand in adjournment under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Chair recognizes the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I thank the distinguished Senator from Virginia, Mr. WARNER, for the great patriot, fine citizen, and extraordinary American that he is.